

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE: Thaddus L. Adams

(Debtor)

CASE NO.: 14-26344

JUDGE: _____

CHAPTER: 13

CHAPTER 13 PLAN AND MOTIONS

 Original X Modified/ Notice Required X Discharge Sought
 Motion Included Modified/No Notice No Discharge Sought
Required

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

PART 1. PAYMENT AND LENGTH OF PLAN

a. The Debtor has paid \$4015.24 through December 2016 shall pay \$150.00 per month for an additional 15 months to the Chapter 13 Trustee.

b. The Debtor shall make plan payments to the Trustee from the following sources:

 Future Earnings

 Other sources of funding (describe source, amount and date when funds are available) _____

- c. _____ Use of real property to satisfy plan obligations:
- _____ Sale following assets _____ on or before _____
- _____ Refinance following assets _____ on or before _____
- _____ Loan Modification with respect to mortgage encumbering the
following property _____ on or before _____
- d. _____ The regular monthly mortgage payments will continue pending the sale,
refinance or loan modification
- e. _____ Other information that may be important relating to the payment and
length of the plan.

PART 2. ADEQUATE PROTECTION

- a. Adequate protection payments will be made in the amount of \$ _____ to be
paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____
(creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be
paid directly by the debtor outside, pre-confirmation to _____ (creditor).

Part 3. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Amount to be Paid</u>
The Law Office of Peter E. Zimnis, Esquire	Administrative	\$per ct order
Albert Russo, Trustee	Administrative	\$
IRS	Priority	\$1354.63

PART 4. SECURED CLAIMS

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

<u>Creditor</u>	<u>Collateral or</u>		<u>Interest Rate</u>	<u>Amount to be</u>	<u>Regular Monthly Payment</u>
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	<u>Type of Debt</u>	<u>Arrearage</u>	<u>on Arrearage</u>	<u>Paid to Creditor (In Plan)</u>	<u>(Outside Plan)</u>
<u>CitiMortgage</u>	<u>House</u>	<u>\$12173.81</u>		<u>\$0.00 (current via loan modification)</u>	<u>Debtor to maintain post petition payments on all secured debts listed in this subsection</u>

b. Modification

- 1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRE the appropriate motion to be filed under Section 7 of the Plan

<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total Amount to Be Paid</u>

- 2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>
Toyota Motor	Auto	Unknown	Unknown

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan: _____

- e. Secured Claims to be paid in full through the plan:

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be paid through the plan</u>	
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Part 5. **UNSECURED CLAIMS**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ Not less than _____ percent

X_____ Pro rata distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>
Navient	Student Loans	To be pd outside plan	

PART 6. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>
Comcast	Executory contract	Reject

PART 7. **MOTIONS**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan confirmed pursuant to the terms as set forth in the plan.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the</u>	<u>Amount of Lien to be Avoided</u>

						<u>Property</u>	

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>

PART 8. OTHER PLAN PROVISIONS

a. Vesting of Property of the Estate

 X Upon Confirmation

 Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions/Debtor's counsel
- 2) DSO (if applicable)
- 3) Secured Claims
- 4) Priority claims
- 5) General Unsecured claims

d. Post-petition claims

The Trustee is X is not authorized to pay post-petition claims filed pursuant to 11

U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

PART 9. **MODIFICATION**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of plan being modified: _____

Explain below why the plan is being modified Debtor modified their mortgage with Citi.

Explain below how the plan is being modified Citi is reflected as current by way of
Loan Modification.

Are schedules I and J being filed simultaneously with this plan? X yes _____ no

PART 10 **SIGN HERE**

The Law Office of Peter E. Zimnis

Date _____

/s/ John A. Zimnis

Attorney for the Debtor

I hereby certify under penalty of perjury that the foregoing is true and correct.

Date _____

/s/ Thaddus Adams

Debtor

Date _____

/s/
Joint Debtor (if any)

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Thaddus L Adams
 Debtor

Case No. 14-26344-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Dec 23, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 25, 2016.

db +Thaddus L Adams, 302 Ashmore Avenue, Trenton, NJ 08611-3680
 cr +Toyota Motor Credit Corporation, C/O Buckley Madole, P.C., 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
 cr +Toyota Motor Credit Corporation, c/o Buckley Madole, P.C., P.O. Box 22408, Tampa, FL 33622-2408
 514975120 +Capital One, 1680 Capital One Drive, Mc Lean, VA 22102-3407
 514975119 +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 515162330 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971
 515167534 +CitiMortgage, Inc., PO Box 6030, Sioux Falls, SD 57117-6030
 514975121 +Citimortgage, PO Box 183040, Columbus, OH 43218-3040
 515905897 +MidFirst Bank, 999 NW Grand Blvd. Suite 100, Oklahoma City, OK 73118-6051
 515905898 +MidFirst Bank, 999 NW Grand Blvd. Suite 100, Oklahoma City, OK 73118, MidFirst Bank, 999 NW Grand Blvd. Suite 100, Oklahoma City, OK 73118-6051
 515226099 Navient Solutions Inc., Department of Education Loan Services, P.O. Box 9635, Wilkes-Barre, PA 18773-9635
 514975127 +RWJ at Hamilton, PO Box 48025, Newark, NJ 07101-4825
 514975126 +Robert Wood Johnson Hospital, One Hamilton Health Pl., Attn: Patient Accounts, Trenton, NJ 08690-3599
 514975129 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, PO Box 5855, Carol Stream, IL 60197)
 516487064 Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 515749100 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 515000178 Toyota Motor Credit Corporation (TMCC), PO BOX 8026, Cedar Rapids, Iowa 52408-8026
 514975130 +U.S Department of Education, PO Box 530260, Atlanta, GA 30353-0260

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 23 2016 22:37:59 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Dec 23 2016 22:37:55 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 514975122 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Dec 23 2016 22:38:40 Comcast, 1 Comcast Center, Re: 03402 105021-03-9, Philadelphia, PA 19103-2833
 514975123 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 23 2016 22:38:46 Fingerhut/Web Bank, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 514975124 +E-mail/PDF: gecscdi@recoverycorp.com Dec 23 2016 22:34:27 GEMB/Walmart, PO Box 981400, El Paso, TX 79998-1400
 514975125 E-mail/Text: cio.bncmail@irs.gov Dec 23 2016 22:37:35 IRS Insolvency Function, PO Box 724, Springfield, NJ 07081
 515208878 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 23 2016 22:41:57 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk, VA 23541
 515183575 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 23 2016 22:42:02 Portfolio Recovery Associates, LLC, c/o Walmart Credit Card, POB 41067, Norfolk VA 23541
 514975128 +E-mail/PDF: pa_dc_claims@navient.com Dec 23 2016 22:34:31 Sallie Mae, PO Box 9500, Wilkes Barre, PA 18773-9500

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515008464* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 25, 2016

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 27

Date Rcvd: Dec 23, 2016

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 22, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Andrew M. Lubin on behalf of Creditor CitiMortgage, Inc. bkecf@milsteadlaw.com,
alubin@milsteadlaw.com
Denise E. Carlon on behalf of Creditor MidFirst Bank bankruptcynotice@zuckergoldberg.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor CitiMortgage, Inc. bankruptcynotice@zuckergoldberg.com,
bkgroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Toyota Motor Credit Corporation
nj_ecf_notices@buckleymadole.com
Gavin N. Stewart on behalf of Creditor Toyota Motor Credit Corporation BKNJ@buckleymadole.com
John Zimnis on behalf of Debtor Thaddus L Adams njbankruptcyaw@aol.com.
Joshua I. Goldman on behalf of Creditor MidFirst Bank jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com

TOTAL: 9